

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Allegations of irregularities in supply of furniture to certain Government Junior Colleges against Sri M.Siva Shankar, the then Assistant Director, District Industries Centre, Warangal now retired - Disciplinary Proceedings - Imposition of punishment of 5% cut in pension for 5 years - Orders - Issued.

INDUSTRIES AND COMMERCE (VIGILANCE) DEPARTMENT

G.O.Rt.No. 616

Dated.04.09.2012.
Read the following:

1. Proceedings of COI, A.P.Hyd, Lr.No.40/2/2008/ 0085/0085/ID, Dt. 25-04-2008.
2. W.S.D. of Sri M.Siva Shankar, the then AD, DIC, Warangal, Dt. 14-05-2008.
3. Proceedings of COI, A.P., Hyd, Lr.No.40/2/2008/0085/0085/ID-I, Dt.20-02-2009.
4. Enquiry Report of Sri B.Suresh Babu, Addl. Director (B) O/o COI, Hyderabad, Dt. 30-09-2009.
5. Explanation of Sri M.Siva Shankar, the then AD, DIC, Warangal, Dt. 9-11-2009 on Inquiry Report.
6. Interim Orders of Hon'ble APAT, Dt. 18-4-2012 in O.A No.2941/12 in filed by Sri M.Siva Shankar, the then AD, DIC, Warangal.
7. Govt. Memo.No.4403/Vig.A2/2008-8, Dt. 01-08-2012.
8. Explanation of Sri M.Siva Shankar, the then AD, DIC, Warangal, Dt, 13-08-2012.
9. Govt. Lr.No.4403/Vig.A2/2008-9, Dt. 14-08-2012.
10. From APPSC Lr.No.1601/RT/3/2012, Dt. 21-08-2012.

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O R D E R:

On a complaint received from Sri J.Krishna Reddy, Proprietor, Avinash Industries, Hanamkonda against Sri M.Siva Shankar, Assistant Director, District Industries Centre, Warangal alleging that the said Officer had issued a certificate on purchase of furniture supplied by the bidder to certain Government instructions stating that the bidder met the specifications though they were of inferior quality, resulting in loss to Government, the Vigilance & Enforcement Department took up an enquiry in to the matter, and furnished a report to Government.

2. After examining the report of Director General, V&E Dt. 07-06-2007, the Commissioner of Industries, Hyderabad has initiated departmental action against Sri M.Siva Shankar, the then Assistant Director, District Industries Centre, Warangal under Rule 22 of APCS (CC&A) Rules, 1991 duly framing the following Articles of Charges vide Proceedings Ist read above:

Article-I: That Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal, who is a member of the committee constituted for verification of the furniture proposed to be purchased and supplied to the various Government Jr. Colleges, failed to identify and certify in his inspection report dt.4.10.2005 that the material particularly the duel desks supplied to the Government Colleges Khanapur worth about Rs.1,27,735/- and Narsampet worth about Rs.35,850/- were not in accordance with the specification, though the bidder supplied them with 24 gauge instead of 20 gauge as per agreement and mis-led the Collector, Warangal. Thus, he violated that procedure/guidelines in having certified the about furniture.

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Article-II: That the certificate issued by Sri M.Shiva Shankar formed basis for acceptance of the defective furniture supplied by M/s. Dilkash Traders, Warangal by the District Vocational Educational Officer, Warangal causing a loss to the Government in having made the above deal with the bidder. Thus, he is responsible for monetary loss occurred to the Government.

3. Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal, has submitted his written statement of defense to the Commissioner of Industries vide his representation Dt. 14-05-2008 denying the charges framed against him and requested the Commissioner of Industries to drop the charges leveled against him. After having examined the explanation of Sri M.Shiva Shankar, the Commissioner of Industries, Hyderabad has observed that the Accused Officer could not explain the conceivable reasons for non-identification of the gauge of the material supplied by the bidder i.e. 24 gauge instead of 20 gauge as per the agreement, and after having examined the explanation, Sri B.Suresh Babu, Additional Director of Industries was appointed as Inquiring Authority by Commissioner of Industries under sub-rule 2 of rule 20 of APCS (CC&A) Rules, 1991 vide Proceedings 3rd read above.

4. The Inquiry Authority Sri B.Suresh Babu, Additional Director of Industries has submitted his inquiry report to the Commissioner of Industries, Hyderabad on 30-09-2009 vide 4th read above. In his report it was held by the Inquiry Authority that Charge No-1 and 2 are proved beyond reasonable doubt.

5. The enquiry report was served on the Accused Officer under Rule 21 (2) of APCS (CCA) Rules-1991 by the Commissioner of Industries, Hyderabad with a request to submit his representation if any, on the enquiry report. Sri M.Shiva Shankar, the then Assistant Director now retired has submitted his explanation to the Commissioner of Industries on 09-11-2009 stating that he is not responsible independently in issuing the certificate and followed other members i.e., who is technically qualified officer and Indenting Officer/ Purchaser, and requested to exonerate him from the charges framed against him.

6. Meanwhile Sri M.Sivasankar has retired from Government Service on 31.10.2009 AN on attaining the age of Superannuation. The Articles of Charges were issued on him on 25.04.2008 before his retirement. Therefore, the disciplinary proceedings pending against him are continued under rule 9 of Andhra Pradesh Revised Pension Rules, 1980.

7. As the charges were proved against Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal now retired during the enquiry, Government being the competent authority to issue final orders under rule 9 of APRPR, 1980, have provisionally decided to impose the punishment of 5% cut in pension for 5 years against Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal now retired under rule 9 (1) of APRPR, 1980 after examining the explanation of the Accused Officer, with reference to findings of enquiry report.

8. A show cause notice was issued to the Charged Officer, Sri M.Siva Shankar, the then Assistant Director, District Industries Centre, Warangal (retired) as per note under clause (a), Sub-rule 2 of Rule 9 of APRPR, 1980 vide Memo. 7th read above requesting the Charged Officer to submit his explanation if any, on the proposed punishment of 5% cut in pension for 5 years. In response Sri M.Siva Shankar, the then Assistant Director, District Industries Centre, Warangal (retired) has furnished his explanation to the Principal Secretary to Government & CIP, Industries and Commerce Department on 13-08-2012 requesting to drop the further action in view of the reasons stated therein.

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9. After examining the explanation of the Accused Officer, and findings no grounds to accept the explanation the Andhra Pradesh Public Service Commission, Hyderabad was consulted as per the proviso-1 of sub-rule (1) of Rule 9 of Andhra Pradesh Revision Pension Rules, 1980. The APPSC vide Lr. 10th read above has tendered their advise. Government after examining the advise of the Andhra Pradesh Public Service Commission, have decided to impose the punishment of 5% cut in pension for 5 years against Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal retired as the charges leveled against him are held proved.

10. Government, therefore, in exercise of the power conferred under rule 9 of Andhra Pradesh Revision Pension Rules, 1980, here by impose the punishment of 5% cut in pension for 5 years against Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal (retired) under rule 9 (1) of APRPR, 1980, as the charged leveled against him are held proved during the enquiry.

11. The Commissioner of Industries, Hyderabad shall take immediate necessary action accordingly and submit the compliance report to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.PRADEEP CHANDRA
PRINCIPAL SECRETARY TO GOVERNMENT & CIP

To

1. Sri M.Shiva Shankar, the then Assistant Director, District Industries Centre, Warangal through Commissioner of Industries, Hyderabad.
2. The Commissioner of Industries, Hyderabad.
3. The Government Pleader, Industries & Commerce (Services)
A.P Administrative Tribunal, Hyderabad.

Copy to:

4. The Director General, Vigilance & Enforcement, BRK Building, Hyderabad with reference to their Vigilance Report No.76, Dt. 07-06-2007.
5. The A.P Public Service Commission, Hyderabad with reference to their Lr.No.1601/RT/3/2012, Dt. 21-08-2012.
6. The Secretary to A.P Vigilance Commission, Hyderabad.
7. The Accountant General, A.P, Hyderabad.
8. The District Treasury Officer, Warangal.
9. SF/SC.

//FORWARDED BY: :ORDER//

SECTION OFFICER